

EXHIBIT L

Moline, Jacqueline

September 30, 2022

1

CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS

STATE OF LOUISIANA

NO. 2021-09379

DIVISION "N"

JOHN WAYNE DAIGLE, ET AL

VERSUS

ANCO INSULATIONS, INC., et al.

REMOTE VIDEOTAPED DEPOSITION OF

JACQUELINE MOLINE, M.D.,

called by the Defendants for examination, taken by
and before Ann Medis, RPR, CLR, CSR-WA, and Notary
Public in and for the Commonwealth of
Pennsylvania, via Zoom Videoconference, on Friday,
September 30, 2022, commencing at 10:05 a.m.

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Moline, Jacqueline

September 30, 2022

2 (Pages 2 to 5)

<p style="text-align: right;">2</p> <p>1 APPEARANCES</p> <p>2 (Participants appeared via Zoom videoconference)</p> <p>3 For the Plaintiff</p> <p>4 MAUNE RAICHLE HARTLEY FRENCH & MUDD, LLC</p> <p>5 BY: SUZANNE RATCLIFFE, ESQUIRE</p> <p>6 2 Club Centre Court, Suite 4</p> <p>7 Edwardsville, Illinois 62025</p> <p>8 800.358.5922</p> <p>9 sratcliffe@mrhfmlaw.com</p> <p>10</p> <p>11 For the Defendant American International Industries</p> <p>12 LATHROP GPM</p> <p>13 BY: ROBERT E. THACKSTON, ESQUIRE</p> <p>14 TAYLOR HAMILTON, TECHNICAL</p> <p>15 LITIGATION ANALYST</p> <p>16 2101 Cedar Springs Road, Suite 1400</p> <p>17 Dallas, Texas 75201</p> <p>18 469.983.6100</p> <p>19 robert.thackston@lathropgpm.com</p> <p>20 taylor.hamilton@lathropgpm.com</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">4</p> <p>1 APPEARANCES (Continued)</p> <p>2 For the Defendant Exxon Mobil Corporation (Continued)</p> <p>3 CHEHARDY SHERMAN WILLIAMS MURRAY RECILE</p> <p>4 STAKELUM & HAYES, L.L.P.</p> <p>5 BY: PATRICK A. FOLLETTE, ESQUIRE</p> <p>6 One Galleria Boulevard, Suite 1100</p> <p>7 Metairie, Louisiana 70001</p> <p>8 504.833.5600</p> <p>9 patrick@thetrialteam.com</p> <p>10</p> <p>11 For the Defendant Foster Wheeler LLC</p> <p>12 FRILOT LLC</p> <p>13 BY: MAGALI A. PUENTE, ESQUIRE</p> <p>14 3800 Energy Centre Building</p> <p>15 1100 Poydras Street, Suite 3600</p> <p>16 New Orleans, Louisiana 70163</p> <p>17 504.599.8000</p> <p>18 mpuente@frilot.com</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">3</p> <p>1 APPEARANCES (Continued)</p> <p>2 GORDON REES SCULLY MANSUKHANI, LLP</p> <p>3 BY: KAY BARNES BAXTER, ESQUIRE</p> <p>4 201 St. Charles Avenue, Suite 2500</p> <p>5 New Orleans, Louisiana 70170</p> <p>6 504.470.8482</p> <p>7 kbaxter@grsm.com</p> <p>8</p> <p>9 For the Defendant Exxon Mobil Corporation</p> <p>10 BIENVENU BONNECAZE FOCO & VIATOR, LLC</p> <p>11 BY: DAVID M. BIENVENU, JR., ESQUIRE</p> <p>12 JOHN A. VIATOR, ESQUIRE</p> <p>13 4210 Bluebonnet Boulevard</p> <p>14 Baton Rouge, Louisiana 70809</p> <p>15 225.388.5600</p> <p>16 david.bienvenu@bblawla.com</p> <p>17 john.viator@bblawla.com</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">5</p> <p>1 APPEARANCES (Continued)</p> <p>2 For the Defendants Whittaker, Clark & Daniels</p> <p>3 MARON MARVEL BRADLEY & ANDERSON LLC</p> <p>4 BY: RICHARD M. CRUMP, ESQUIRE</p> <p>5 1020 Highland Colony Parkway, Suite 400</p> <p>6 Ridgeland, Mississippi 39157</p> <p>7 601.812.6630</p> <p>8 rcrump@maronmarvel.com</p> <p>9</p> <p>10 Also present</p> <p>11 Nancy Holmstock, videographer</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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Moline, Jacqueline

September 30, 2022

33 (Pages 126 to 129)

<p style="text-align: right;">126</p> <p>1 all. You can have an odds ratio that -- the whole 2 risk of breast cancer and exogenous estrogen use 3 is based on an odds ratio of 1.14 that is highly 4 statistically significant.</p> <p>5 There are so many factors that go into 6 it. So that's not an appropriate phrase that's 7 generally accepted in the medical community. 8 BY MR. THACKSTON:</p> <p>9 Q. Perhaps you didn't understand my 10 question. Do they state in this article that an 11 odds ratio of less than 2 in this study was not 12 statistically significant?</p> <p>13 A. I don't recall.</p> <p>14 Q. We'll take a look at that. But let's 15 look at the chart for now. So for the odds ratio, 16 there's an odds ratio of mechanical, fitter and 17 plumber that had 62 cases and the odds ratio is 18 2.82. Do you see that?</p> <p>19 A. Yes.</p> <p>20 Q. There is an occupation titled tile 21 setter, plasterer. That must be a French word. 22 It looks like paviour, P-A-V-I-O-U-R.</p> <p>23 A. It's German. Why would he put French in 24 a German paper. But anyway, can you pull this up?</p> <p>25 Q. Je ne sais quoi.</p>	<p style="text-align: right;">128</p> <p>1 ratio of 0.71; right?</p> <p>2 A. Yes.</p> <p>3 Q. And we don't know -- of the four jobs 4 listed there, we don't know which ones -- what the 5 specific jobs were of the ones that had 6 mesothelioma within that category, do we?</p> <p>7 A. No, we don't. That's one of the 8 problems with grouping job categories.</p> <p>9 Q. And going back to your statement in your 10 report on page 20 that Rödelsperger noted that 11 hairdressers and barbers were asbestos exposed 12 industries due to the use of asbestos-containing 13 talcum powder, is that the reference in the 14 Rödelsperger paper that you were referring to, 15 that job category?</p> <p>16 A. You know, it's such a specific 17 description in my report that I'm trying to recall 18 which Rödelsperger paper it comes from, because 19 I'm aware of this table. Obviously, I've seen 20 this paper before, and I'm aware of this grouping 21 and what the odds ratio was. But my recollection 22 is that he has made that statement somewhere, or I 23 would not have described it with that level of 24 specificity.</p> <p>25 And, unfortunately, it's not in this</p>
<p style="text-align: right;">127</p> <p>1 A. If you want to talk in French, I'm happy 2 to speak in French for the rest of the deposition. 3 That would be far more entertaining.</p> <p>4 Q. I pretty much exhausted all my French, 5 but thank you.</p> <p>6 A. Like I said.</p> <p>7 Q. The occupation that begins with tile 8 setter has an odds ratio of 3.67; right?</p> <p>9 A. Yes.</p> <p>10 Q. Now, these are established occupational 11 classifications; right?</p> <p>12 A. These are based on job codes, German job 13 codes.</p> <p>14 Q. Job code, and it's used for various 15 purposes by the labor department and others; 16 right?</p> <p>17 A. I'm not familiar with German labor law 18 and how they use them. But they're job codes, and 19 there's categories and there's a range.</p> <p>20 Q. The highlighted occupational title is 21 the last one on the chart. It says, quote, 22 housekeeper, cleaner, hairdresser, bartender; 23 right?</p> <p>24 A. Yes.</p> <p>25 Q. And that had five cases with an odds</p>	<p style="text-align: right;">129</p> <p>1 paper and I do not -- I'm not even in my office. 2 I don't have all my Rödelsperger papers to be able 3 to tell you the reference. If I'm able to find 4 it, I'm happy to send it.</p> <p>5 Q. Well, is there a reason why you didn't 6 list the Rödelsperger paper that makes this 7 statement in your report?</p> <p>8 A. No. There's no specific reason. I 9 don't reference every single thing that every 10 other author has said. There wasn't a specific 11 reference. It's too specific for me not to have 12 seen that line in a paper.</p> <p>13 Q. But you would agree that we couldn't 14 reach the conclusion that you put in your report 15 based on the statements made in this article?</p> <p>16 A. In this paper, that's correct.</p> <p>17 Q. You also in your report talk about your 18 recent paper. This is on page 19. Your report 19 says, quote, I have recently published a paper 20 along with co-authors that describes 33 cases of 21 mesothelioma among individuals whose only known 22 exposure to asbestos was through their use of 23 cosmetic talc (Moline, et al. 2019). Right?</p> <p>24 A. Yes.</p> <p>25 Q. And when asked to identify those 33</p>

Moline, Jacqueline

September 30, 2022

34 (Pages 130 to 133)

<p style="text-align: right;">130</p> <p>1 cases -- well, first of all, those 33 cases were 2 litigation cases in which you were hired as an 3 expert; right? 4 MS. RATCLIFFE: Objection. 5 THE WITNESS: Sure. 6 BY MR. THACKSTON: 7 Q. That's correct? 8 A. Yes. 9 Q. And when asked in deposition to identify 10 those 33 or any of those 33, you refused to 11 identify them based on claims of confidentiality; 12 right? 13 A. Among other things, yes. 14 Q. And you were specifically asked whether 15 you were an expert in the Betty Bell case pending 16 in North Carolina, weren't you? 17 A. I'm not commenting. 18 Q. Are you refusing to answer whether you 19 were an expert in the Bell case? 20 A. You're asking me about a case by another 21 law firm. I'm not commenting on other cases in 22 the same fashion that I was not commenting on 23 other cases last week. 24 Q. And your paper gave some detail about 25 some of the cases. And you were asked</p>	<p style="text-align: right;">132</p> <p>1 BY MR. THACKSTON: 2 Q. I'll mark as No. 15 -- do you put in 3 your report as one of your qualifications that 4 you've been qualified to testify in various 5 courts? 6 A. I don't think I wrote -- put it in this 7 report. 8 Q. We'll mark as No. 15 the order from 9 United States District Court, Middle District of 10 North Carolina, Bell versus American International 11 Industries, Memorandum Order and Opinion designed 12 by Judge William L. Osteen on 9/13/2022, modified 13 on 9/29/22. This is a 40-page memorandum opinion 14 and order. And it says, "Before this court is 15 Northwell Health's Inc.'s ('Northwell') Motion 16 Reconsidering his Motion to Intervene and Extend 17 Protective order. Also before the court is a 18 motion to vacate the Preliminary Protective Order 19 of September 25, 2020 filed by defendant American 20 International Industries," et cetera. 21 If I represent to you that this is the 22 judge's ruling, although you're entitled not to 23 disclose those specific 33 cases or one of those 24 cases, your testimony under oath here today is 25 that you've never seen it?</p>
<p style="text-align: right;">131</p> <p>1 specifically whether Betty Bell was one of the 33 2 cases; were you not? 3 MS. RATCLIFFE: Objection. She's 4 already indicated she's not talking about this. 5 BY MR. THACKSTON: 6 Q. Are you going to refuse to answer? 7 A. I'm not discussing the names of the 8 individuals who are in the paper. 9 Q. And have you read the opinion from Judge 10 Osteen in the Bell case about whether you're 11 entitled to keep confidential the information from 12 the Betty Bell case that relates to her exposures 13 to asbestos? 14 A. I have not. 15 MS. RATCLIFFE: The deposition is not 16 about her. 17 MR. THACKSTON: It's about this article 18 right here. It's about this article and I'm 19 asking her whether she's aware of Judge Osteen's 20 opinion that specifically rules on whether you're 21 entitled to keep confidential the fact that Betty 22 Bell was one of the 33 cases. 23 MS. RATCLIFFE: Objection. She's not 24 answering. She's already told you. 25</p>	<p style="text-align: right;">133</p> <p>1 A. I have not seen the specific order or 2 the report. And I don't know if it's the final 3 decision that was done by the court. But I have 4 not read this. 5 Q. And your article says that you had 33 6 cases of no known exposure to asbestos other than 7 contaminated cosmetic talc; right? 8 A. To the best of our knowledge, yes. 9 Q. And it was brought to your attention 10 that in the Betty Bell case, she had filed not 11 one, but two workers' compensation claims for 12 occupational exposure to asbestos having nothing 13 to do with cosmetic talc; right? 14 A. That were dismissed by the court as 15 having no evidence, yes, I was aware of that. 16 Q. And so you're giving kind of a legal 17 opinion now about the mechanism by which it was 18 dismissed. Do you know whether Judge Osteen 19 specifically addressed that argument? 20 A. I was speaking about the other within 21 the worker's comp claims that she made. My 22 understanding is that they were dismissed for lack 23 of information or lack of evidence. I don't know 24 what Osteen said. I haven't read the report. And 25 I'm not going to answer questions related to this</p>

Moline, Jacqueline

September 30, 2022

35 (Pages 134 to 137)

<p style="text-align: right;">134</p> <p>1 without counsel present from Northwell Health. So</p> <p>2 I will not be answering any questions that have to</p> <p>3 do with this order without counsel present.</p> <p>4 Q. Let me turn the page.</p> <p>5 A. I'm not answering questions related to</p> <p>6 this document without my counsel present.</p> <p>7 Q. Where did you get the understanding that</p> <p>8 the Bell workers' comp claim was dismissed or how</p> <p>9 it was dismissed?</p> <p>10 A. I believe I was provided with documents</p> <p>11 years ago with respect to that particular case</p> <p>12 and...</p> <p>13 I mean, I'm not going to discuss another</p> <p>14 case without their counsel present and my counsel</p> <p>15 present.</p> <p>16 Q. Let's look at page 19. You're saying</p> <p>17 here today that the Bell workers' compensation</p> <p>18 claim was found to be without evidence; right?</p> <p>19 A. I'm not discussing this case any further</p> <p>20 without Mrs. Bell's counsel present and without</p> <p>21 Northwell Health's counsel present.</p> <p>22 Q. But you already had discussed it. You</p> <p>23 made the statement --</p> <p>24 A. I'm not making any further comments.</p> <p>25 Q. I'm going to read --</p>	<p style="text-align: right;">136</p> <p>1 A. I am not having a conversation with you</p> <p>2 without counsel present.</p> <p>3 Q. You have counsel present.</p> <p>4 A. She is not my counsel.</p> <p>5 MS. RATCLIFFE: I'm not counsel for</p> <p>6 Mr. Bell. I represent Mr. Daigle. Again, if you</p> <p>7 have questions that are relevant to Mr. Daigle and</p> <p>8 Mr. Daigle's case, be my guest and ask them. But</p> <p>9 you are not asking any more questions about this</p> <p>10 document which she's never seen before. It's</p> <p>11 inappropriate. I don't represent the Bells.</p> <p>12 MR. THACKSTON: We just put on the</p> <p>13 record that her report in the Daigle case</p> <p>14 references and relies upon her own study. This</p> <p>15 order relates to that study and her position that</p> <p>16 she can't answer questions about the individual</p> <p>17 cases.</p> <p>18 MS. RATCLIFFE: This order relates to</p> <p>19 that case, not this case, that case.</p> <p>20 MR. BIENVENU: It relates to her study,</p> <p>21 not that case, but it relates to her study which</p> <p>22 she's relying upon in this case.</p> <p>23 MS. RATCLIFFE: She's not answering any</p> <p>24 more questions about it. I don't know what part</p> <p>25 of that isn't clear.</p>
<p style="text-align: right;">135</p> <p>1 MS. RATCLIFFE: She can't comment on</p> <p>2 anything about this case in this case. This case</p> <p>3 is about Mr. Daigle. If you have questions about</p> <p>4 Mr. Daigle, then be my guest and ask them. But</p> <p>5 asking her about an order, one, she's never seen</p> <p>6 before, two, without her counsel from Northwell</p> <p>7 Health nor counsel for the actual plaintiff is</p> <p>8 inappropriate.</p> <p>9 BY MR. THACKSTON:</p> <p>10 Q. Well, the report --</p> <p>11 A. I'm going to -- I'm going to stop the</p> <p>12 deposition if you continue this. I do not have</p> <p>13 counsel present. I will not be answering</p> <p>14 questions specific to this document.</p> <p>15 Q. I'm not going to ask you a question</p> <p>16 about it. I'm just going to read it to you. Page</p> <p>17 19 of Judge Osteen's order --</p> <p>18 A. I'm going to suspend this. I'm not</p> <p>19 going to participate in something where I do not</p> <p>20 have counsel present, where you are reading</p> <p>21 something of an opinion related to my employer</p> <p>22 present without my counsel present.</p> <p>23 Q. You don't want to know what Judge Osteen</p> <p>24 said about the ability to talk about the Bell</p> <p>25 case?</p>	<p style="text-align: right;">137</p> <p>1 MR. THACKSTON: Well, then I would</p> <p>2 suspend the deposition and get a court ruling on</p> <p>3 that because I am asking questions about it.</p> <p>4 MS. RATCLIFFE: Not today you're not.</p> <p>5 She hasn't had an opportunity to read this</p> <p>6 document. It's inappropriate.</p> <p>7 MR. THACKSTON: I'm going to read into</p> <p>8 the record the question I would ask by way of a</p> <p>9 bill.</p> <p>10 Page 19 of Judge Osteen's order, which</p> <p>11 we're attaching as Exhibit No. 15, says, quote</p> <p>12 Dr. Moline offered no basis for her statement that</p> <p>13 an errata was unnecessary because the allegation</p> <p>14 of alternative exposure was, quote, shown to be</p> <p>15 without evidence, end of quote. Indeed, she did</p> <p>16 not have to because the protective order</p> <p>17 effectively shielded the assertion from</p> <p>18 cross-examination. If the order was not in place,</p> <p>19 then defense counsel in that case and defense</p> <p>20 counsel in similar cosmetic talc cases would be</p> <p>21 able to establish that Mrs. Bell was one of the</p> <p>22 individuals the article studied and then challenge</p> <p>23 Dr. Moline with Ms. Bell and plaintiff's workers'</p> <p>24 compensation claims asserting under criminal</p> <p>25 penalty for false statements that Mrs. Bell was</p>

Moline, Jacqueline

September 30, 2022

36 (Pages 138 to 141)

<p style="text-align: right;">138</p> <p>1 exposed to asbestos at textile jobsites. Defense 2 counsel could show that those workers' 3 compensation claims were not adjudicated on the 4 merits. Rather, they were dismissed without 5 prejudice weakening the credibility of the 6 Dr. Moline's statements that the allegation of 7 alternative exposure was, quote, shown to be 8 without evidence, end of quote.</p> <p>9 MS. RATCLIFFE: I move to strike every 10 single word that was uttered out of your mouth. I 11 don't represent Northwell. I don't represent the 12 Bells. And this is highly inappropriate. She has 13 told you multiple times that she's not speaking to 14 this, and she's not going to. So please move on. 15 BY MR. THACKSTON:</p> <p>16 Q. Dr. Moline, is there any new information 17 that if presented to you would cause you to 18 reconsider the conclusions that you stated in your 19 article?</p> <p>20 A. The conclusions in my article are that 21 exposure to cosmetic talc is associated with 22 mesothelioma, and those conclusions remain. The 23 conclusions were that a full history should be 24 taken with an understanding that exposures in 25 various settings can lead to mesothelioma. Those</p>	<p style="text-align: right;">140</p> <p>1 A. That's what I wrote. 2 Q. And I would like to ask you about those 3 cases because there were allegations in those 4 cases of exposure to asbestos other than from 5 cosmetic talc, weren't there? 6 MS. RATCLIFFE: Objection. This is just 7 borderline harassment at this point. 8 THE WITNESS: I don't hear a question 9 pending. You told me what you'd like to do, but 10 that's not a question. 11 BY MR. THACKSTON: 12 Q. In those 33 cases, there were 13 allegations of exposure to asbestos other than 14 from cosmetic talc, weren't there? 15 A. I'm not discussing the cases in the 16 paper. I'm not discussing the specifics or the 17 names of the individuals in the paper. 18 Q. That statement was something that you 19 chose to put in your report in this case; right? 20 MS. RATCLIFFE: Obviously. It's in the 21 report. 22 THE WITNESS: I don't know what 23 statement you're talking about. 24 BY MR. THACKSTON: 25 Q. The one I just read to you, the one that</p>
<p style="text-align: right;">139</p> <p>1 are the conclusions. And those conclusions stand. 2 Q. I'm not being facetious, but fair to say 3 that you're not -- among your many qualifications 4 does not include a law degree; right? 5 A. One of my many qualifications, I'm what? 6 MS. RATCLIFFE: No, she's not a lawyer. 7 Thank you for making that clear. 8 THE WITNESS: I wasn't making a legal 9 statement. I was saying you asked if my opinions 10 stay the same, and I was using a colloquial 11 phrase. They still are my opinions. 12 BY MR. THACKSTON: 13 Q. I'm going to back to your statement that 14 the Bell workers' compensation case was dismissed 15 and I'm asking you about what your training -- 16 A. I told you I'm not discussing this case 17 without counsel present and I am not -- or Bell's 18 counsel present. So I'm not discussing it. 19 Q. Let's go back to your report. Your 20 report in the Daigle case at page 19 states, 21 quote, I have recently published a paper along 22 with co-authors that describes 33 cases of 23 mesothelioma among individuals whose only known 24 exposure to asbestos was through their use of 25 cosmetic talc, end of quote. Correct?</p>	<p style="text-align: right;">141</p> <p>1 we have displayed. 2 MS. RATCLIFFE: It's in the report. 3 It's in black and white. What's the point? Where 4 are we going with this? 5 MR. THACKSTON: I'm not a Louisiana 6 lawyer, but I suspect that's not an appropriate 7 objection under Louisiana law. 8 MS. RATCLIFFE: Form. How about that? 9 BY MR. THACKSTON: 10 Q. Dr. Moline, you wrote the report. 11 Nobody else wrote it; right? 12 MS. RATCLIFFE: Asked and answered. 13 THE WITNESS: Yes. 14 BY MR. THACKSTON: 15 Q. And you chose to cite your own study; 16 right? 17 A. Yes. 18 Q. And you anticipate -- you've been an 19 expert witness in hundreds of cases over the 20 years; right? 21 MS. RATCLIFFE: Objection. 22 THE WITNESS: Yes. 23 BY MR. THACKSTON: 24 Q. You anticipate being cross-examined 25 about the statements that you make in your report;</p>

Moline, Jacqueline

September 30, 2022

37 (Pages 142 to 145)

<p style="text-align: right;">142</p> <p>1 correct?</p> <p>2 A. I never anticipate cross-examination.</p> <p>3 I'm a doctor. But I'm too smart to know to</p> <p>4 anticipate anything that the lawyers might ask me.</p> <p>5 Q. You've given hundreds of depositions;</p> <p>6 correct?</p> <p>7 MS. RATCLIFFE: Objection.</p> <p>8 THE WITNESS: I don't know how many</p> <p>9 depositions I've given. I know you've deposed me</p> <p>10 many times and asked me the same questions many</p> <p>11 times.</p> <p>12 BY MR. THACKSTON:</p> <p>13 Q. I've never asked you about Judge</p> <p>14 Osteen's order before, have I?</p> <p>15 MS. RATCLIFFE: Objection.</p> <p>16 Argumentative. This is harassment. We're not</p> <p>17 talking about it. She's not testifying about it.</p> <p>18 MR. THACKSTON: Well, I would ask to</p> <p>19 take a break and confer with other counsel because</p> <p>20 my position would be that there's no basis to</p> <p>21 instruct the witness not to answer questions about</p> <p>22 an order specifically --</p> <p>23 MS. RATCLIFFE: Absolutely not. There's</p> <p>24 absolutely -- it's a HIPAA violation, one, for her</p> <p>25 to discuss any of her patients without their</p>	<p style="text-align: right;">144</p> <p>1 I think I'm entitled to ask her about</p> <p>2 what courts have said specifically about this</p> <p>3 article that she's relied upon. If you're going</p> <p>4 to instruct her not to answer the question, I will</p> <p>5 adjourn the deposition and get a ruling on that.</p> <p>6 If other counsel disagree, maybe we can caucus on</p> <p>7 a separate phone call.</p> <p>8 But I'm not going to allow counsel to</p> <p>9 make up these rules and the witness refuse to</p> <p>10 answer questions without getting a ruling on it</p> <p>11 while we're still in the course of the deposition.</p> <p>12 If Whittaker Clark & Daniel wants to ask</p> <p>13 questions, then I'll pass the witness subject to</p> <p>14 my statements. But I'm not going to ask further</p> <p>15 questions until I get a court ruling on this</p> <p>16 issue.</p> <p>17 MS. RATCLIFFE: Be my guest. I don't</p> <p>18 understand how a North Carolina ruling has any</p> <p>19 effect on this case here. That case, yes, but not</p> <p>20 this one. I don't understand how you even think</p> <p>21 she can speak to any of this when the Bells are</p> <p>22 represented by other counsel. It's just</p> <p>23 inappropriate.</p> <p>24 MR. THACKSTON: It doesn't make any</p> <p>25 difference who the Bells are represented by. This</p>
<p style="text-align: right;">143</p> <p>1 consent. Two, she's already testified it's</p> <p>2 inappropriate because I don't represent her</p> <p>3 employer Northwell and I don't represent the</p> <p>4 Bells. So whatever this order is that obviously</p> <p>5 no one has seen, it's inappropriate. So stop</p> <p>6 asking questions about it.</p> <p>7 MR. THACKSTON: I think the rules in all</p> <p>8 jurisdictions prevent counsel from interrupting</p> <p>9 other counsel when they're trying to make a</p> <p>10 record. I allowed you to make your record.</p> <p>11 My record is that Dr. Moline was not</p> <p>12 Mrs. Bell's physician. This 40-page opinion</p> <p>13 specifically relates to the claim that she's</p> <p>14 entitled to not discuss the Bell case. Based on</p> <p>15 every conceivable argument that was made by her,</p> <p>16 her counsel, Northwell counsel, that's all been</p> <p>17 adjudicated, and the results are in this order.</p> <p>18 She's trying to use the paper</p> <p>19 affirmatively -- that's exactly what this order</p> <p>20 talks about -- and cut off all cross-examination</p> <p>21 based on the claim of confidentiality. I would</p> <p>22 like for Dr. Moline to take the opportunity to</p> <p>23 read the order and read what the court said about</p> <p>24 these claims about the workers' compensation claim</p> <p>25 being adjudicated to be without merit.</p>	<p style="text-align: right;">145</p> <p>1 is a court ruling on the very position that</p> <p>2 Dr. Moline has taken right now.</p> <p>3 MS. RATCLIFFE: In North Carolina.</p> <p>4 MR. THACKSTON: Federal court in North</p> <p>5 Carolina. And I'm entitled to ask the witness</p> <p>6 whether she has read the order or whether she</p> <p>7 cares what a court has said about her affirmative</p> <p>8 statement that this claim was adjudicated to be</p> <p>9 without merit. That's a legal conclusion that the</p> <p>10 witness making, and I'm asking her to read an</p> <p>11 opinion specifically relating to that legal</p> <p>12 conclusion.</p> <p>13 MS. RATCLIFFE: You asked her if she's</p> <p>14 read it, and she hasn't. So we've established</p> <p>15 that.</p> <p>16 MR. THACKSTON: Well, I read it to her.</p> <p>17 MS. RATCLIFFE: Okay. You read a</p> <p>18 portion of something to her. She hasn't had an</p> <p>19 opportunity to read it. Her counsel isn't present</p> <p>20 for it. This relates to a completely different</p> <p>21 matter.</p> <p>22 MR. THACKSTON: It relates --</p> <p>23 MS. RATCLIFFE: I understand your</p> <p>24 position, but I'm not changing mine. I haven't</p> <p>25 instructed her not to answer. She said she's not</p>

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Moline, Jacqueline

September 30, 2022

38 (Pages 146 to 149)

146

1 answering.

2 MR. THACKSTON: I think we have some of
3 both. We have attached it to the deposition.
4 We'll provide it obviously to the witness along
5 with the draft of the transcript. I'll be happy
6 to send it to counsel right now. If you'd like to
7 take a break and have her read it, I'll be happy
8 to.

9 THE WITNESS: I am not going a speed
10 read a 40-page legal document without counsel for
11 Northwell present who can advise me. So I will
12 not be continuing if you're going to be asking me
13 any questions related to a court decision that was
14 related -- that was a Northwell Health decision --
15 I mean, that was -- they are a party to.

16 BY MR. THACKSTON:

17 Q. When you were first asked questions
18 about the article, did you state on the record
19 that it was your position that it was up to
20 Northwell whether they wanted to provide the
21 information about the people that were included in
22 the study?

23 **A. I don't remember what I've said in the**
24 **past. My position is that these names should not**
25 **be disclosed. It's standard among the research**

148

1 is harassment. It absolutely is. So if we want
2 to get rulings, let's start there as well.

3 MR. THACKSTON: The only one screaming
4 on the record is you. I'm very calmly asking the
5 witness whether she's interested --

6 MS. RATCLIFFE: You've asked the same
7 question at least ten times.

8 MR. THACKSTON: Counsel, please allow me
9 the courtesy of finishing my statement. I'm
10 asking the witness if she's interested in the
11 court's ruling on these arguments that she's
12 making about the identification of these 33 cases
13 as being confidential.

14 THE WITNESS: I'm not commenting on
15 anything related to this ruling without counsel
16 for Northwell Health being present.

17 BY MR. THACKSTON:

18 Q. Did you read the briefing that counsel
19 for Northwell Health made in the Bell case?

20 **A. I am not discussing anything related to**
21 **this case that has to do with anything legal or**
22 **any documents without counsel present.**

23 Q. Well, I'll note that we will not finish
24 the deposition subject to further questions about
25 that order.

147

1 **community. I have obtained either the consent to**
2 **do a study with a waiver, with nondisclosure of**
3 **the specific individuals in the case. So I'm not**
4 **going to be discussing any specifics related to**
5 **that aspect without counsel present.**

6 Q. If the court has heard extensive
7 argument and briefing on this issue and made a
8 ruling about the claim that you and Northwell are
9 making about confidentiality, are you interested
10 in the court's ruling with respect to the
11 argument?

12 MS. RATCLIFFE: Objection. Objection.
13 This has already been beaten to a pulp. If you
14 don't have any other questions for the witness, I
15 suggest you pass her and move on. If this is the
16 end of your questioning and you have no further
17 questions, we're going to move on. Get whatever
18 ruling you want. Do whatever you want. But right
19 now, this is it. There will not be another
20 question asked about this issue.

21 MR. THACKSTON: I object to the improper
22 coaching. I'd like an answer to that question.

23 MS. RATCLIFFE: I'm not coaching
24 anything. She has repeatedly, repeatedly told you
25 that she is not going to testify about it. This

149

1 If we go back to Mr. Daigle's work
2 involving cosmetic talc, did you look specifically
3 at his testimony about what he did with talc?

4 **A. Yes.**

5 Q. And did you consider what he said about
6 the amount of time that it would take him to use
7 talc on a customer?

8 **A. I'm sorry. I didn't hear what you said.**

9 Q. Did you consider what he said about the
10 amount of time it would take him to apply talc to
11 a customer?

12 **A. I do not have the specific amount of**
13 **time that he described that it took him written in**
14 **my report. I don't know if he was asked that**
15 **specific question, if he answered it or if he gave**
16 **a range. I don't recall the exact time.**

17 Q. In your report, you say that the
18 methodology that you're applying considers whether
19 the individual was exposed to a substance at a
20 level where disease has occurred in other
21 settings; right?

22 **A. Yes.**

23 Q. What level -- first of all, what level
24 of talc exposure, that is talc inhalation, is it
25 your opinion that Mr. Daigle experienced when he

Moline, Jacqueline

September 30, 2022

44 (Pages 170 to 173)

<p style="text-align: right;">170</p> <p>1 Correlation to 1445 Cases." It is by Roggli and</p> <p>2 others.</p> <p>3 Are you familiar with that paper?</p> <p>4 A. Not verbatim, but I have seen it, yes.</p> <p>5 Q. Do you recall there's a table in that</p> <p>6 paper that lists mesothelioma cases by occupation?</p> <p>7 A. I have a vague recollection. It</p> <p>8 wouldn't surprise me. I think this paper was</p> <p>9 published about 25 years ago, or it seems like it</p> <p>10 was 25 years ago.</p> <p>11 Q. Have I shared my screen with you? Are</p> <p>12 you seeing a page of that report or that paper?</p> <p>13 A. Now (indecipherable) technology because</p> <p>14 it's illegible.</p> <p>15 MS. RATCLIFFE: Can you make it bigger?</p> <p>16 BY MR. CRUMP:</p> <p>17 Q. Is that any better?</p> <p>18 A. Much better.</p> <p>19 Q. And this is page 56 of that article.</p> <p>20 Table 2, Mesothelioma Cases by Occupation, do you</p> <p>21 see pipefitter is the number one occupation for</p> <p>22 the mesothelioma cases in the group of workers</p> <p>23 that were studied by Dr. Roggli and others?</p> <p>24 A. In this table, yes.</p> <p>25 Q. And that would be consistent with your</p>	<p style="text-align: right;">172</p> <p>1 able to, those are all the questions that I have.</p> <p>2 THE VIDEOGRAPHER: Are there any other</p> <p>3 questions? If there's no other questions, stand</p> <p>4 by. It is September 30, 2022. The time is now</p> <p>5 3:47 p.m. completing today's deposition session.</p> <p>6 Off the record.</p> <p>7 (Whereupon, at 3:47 p.m., the taking of</p> <p>8 the instant deposition ceased.)</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">171</p> <p>1 general understanding regarding incidence of</p> <p>2 mesothelioma among various occupations.</p> <p>3 Pipefitters were very high up there in terms of</p> <p>4 the incidence of mesothelioma?</p> <p>5 MR. VIATOR: Objection. Form.</p> <p>6 THE WITNESS: They're not the highest,</p> <p>7 but they're certainly high.</p> <p>8 BY MR. CRUMP:</p> <p>9 Q. And, in fact, you and Dr. Lavie wrote a</p> <p>10 book chapter in Occupational, Industrial and</p> <p>11 Environmental Toxicology that related specifically</p> <p>12 to plumbers and pipefitters?</p> <p>13 A. Correct.</p> <p>14 Q. And you noted in that book chapter the</p> <p>15 significant exposure to asbestos that they had as</p> <p>16 a group, pipefitters had as a group?</p> <p>17 A. Yes.</p> <p>18 Q. Dr. Moline, subject to Mr. Thackston's</p> <p>19 same reservations regarding not just the one</p> <p>20 individual, but I believe I would ask you about</p> <p>21 patient 3, patient 4 and patient 17 of your group,</p> <p>22 and you've indicated you would not answer</p> <p>23 questions regarding those individuals. And so</p> <p>24 subject to a reservation to talk to you about</p> <p>25 those at some point if the court rules that we're</p>	<p style="text-align: right;">173</p> <p>1 COMMONWEALTH OF PENNSYLVANIA)</p> <p>2 COUNTY OF ALLEGHENY) SS:</p> <p>3 C E R T I F I C A T E</p> <p>4 I, Ann Medis, RPR, CLR, CSR-WA and</p> <p>5 Notary Public within and for the Commonwealth of</p> <p>6 Pennsylvania, do hereby certify:</p> <p>7 That JACQUELINE MOLINE, M.D., the</p> <p>8 witness whose deposition is hereinbefore set</p> <p>9 forth, was duly sworn by me via Zoom</p> <p>10 videoconferencing, and that such deposition is a</p> <p>11 true record of the testimony given by such</p> <p>12 witness.</p> <p>13 I further certify the inspection,</p> <p>14 reading and signing of said deposition were not</p> <p>15 waived by counsel for the respective parties and</p> <p>16 by the witness.</p> <p>17 I further certify that I am not related</p> <p>18 to any of the parties to this action by blood or</p> <p>19 marriage and that I am in no way interested in the</p> <p>20 outcome of this matter.</p> <p>21 IN WITNESS WHEREOF, I have hereunto set</p> <p>22 my hand this 12th day of October, 2022.</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: center;">_____ Notary Public</p>

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